

Before the  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Innis, LA Post Office  
Innis, Louisiana

Docket No. A2011-34

PUBLIC REPRESENTATIVE REPLY COMMENTS  
(October 4, 2011)

This case has descended into a procedural morass. The Postal Service has attempted to reconcile inconsistencies in the Administrative Record by filing a memorandum to the file.<sup>1</sup> Section 404(d)(5) of title 39 prohibits such after-the-fact revisions: “The Commission shall review such determination [to close or consolidate a post office] on the basis of the record *before the Postal Service* in the making of such determination.” (Emphasis added.) Even if revision of an Administrative Record during an appeal were permissible, it should be done via a declaration or affidavit, not via memorandum.<sup>2</sup> Finally, the statements in the memorandum<sup>3</sup> that “community post office” means the Batchelor, LA, post office and that stops can be added to an existing rural route at no cost are not credible.

*Community Post Office.* As set forth in the Public Representative’s initial comments, the letter accompanying questionnaires sent to boxholders at the Innis post office stated, “Briefly, we would like to provide pickup and delivery of your mail, as well as the sale of stamps and all other customary postal services, by community post office emanating from the Batchelor Post Office.”<sup>4</sup> This was the first official indication given to customers of the Innis post office that the office would be studied for possible closing or consolidation. The

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<sup>1</sup> United States Postal Service Notice of Filing Memorandum to Clarify the Record—Errata, September 19, 2011.

<sup>2</sup> This is especially important with respect to discussions that occurred at the community meeting concerning petitioner’s alternative plan to merge two other post offices with the Innis post office. As initially filed, the Administrative Record contained no acknowledgment (much less analysis) of petitioner’s proposal.

<sup>3</sup> Memorandum to File PRC Docket No. A2011-34, September 19, 2011.

<sup>4</sup> Administrative record (AR), item 21, at 1 (letter dated January 24, 2011).

Postal Service analysis of comments at the community meeting contains the following concern and response:<sup>5</sup>

**3. Concern (favorable):**

**Costumers inquired about what hours and services would be provided by the CPO**

**Response:**

You inquired about the hours and services that will be provided by the CPO. The CPO will be contracted to provide at least the same hours as the present post office. Depending on the location, the CPO may provide expanded lobby hours. Services will be the same as provided at the post office, except for permit mail acceptance.

The identical concern and response appears in a revised proposal to close the Innis post office. AR, item 41, at 4 (Concern 13). When the formal proposal to close the Innis post office was displayed, it stated that replacement service would be provided via community post office. AR, item 32; *id.*, item 33, at 1-2, 7; *id.*, item 36, at 3, 5. On August 9, 2011, the Post Office Review Coordinator for the Louisiana PFC District submitted the following memo to the record:<sup>6</sup>

The proposal to *consolidate* the INNIS [post office] was posted with an “Invitation for Comments,” at the INNIS [post office] from 03/30/2011 through 05/31/2011. No comments were received. There is no change to the original proposal. Accordingly, there is no need to modify the proposal to address comments.

The Post Office Closing or Consolidation Fact Sheet states, “It will be more cost effective and enable the Postal Service to better serve our customers by *consolidating* Innis post office with the Batchelor post office . . . .” AR, item 42, entry 8 (emphasis added). The Headquarters Acknowledgment of Receipt of Official Record states, “The official record to *consolidate* the Innis [post office] was received by 06/08/2011.” AR, item 46. The Final Determination states that replacement service for Innis would be a Community Post Office. AR, item 47, at 1-2. The Administrative Record is rife with statements indicating that Innis would retain some form of brick-and-mortar retail service.

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<sup>5</sup> AR, Item 25, at 1.

<sup>6</sup> *Id.*, item 38 (emphasis added). The word “consolidate” is a term of art used to describe the conversion of an independent post office into a CPO, station or branch. 39 C.F.R. §241.3(c)(2).

“Community post offices are *contract* units which provide service in small communities.” <http://about.usps.com/who-we-are/postal-history/stations-branches.pdf> at 6 (emphasis added). Yet the September 19 Memo to File states, “The term ‘community post office,’ simply refers to the Bachelor Post Office which is located in the community encompassed by the Pointe Coupee Parish.” This statement is not credible. In the first place, it renders various statements in the Administrative Record nonsensical. For example, the statement “Briefly, we would like to provide pickup and delivery of your mail, as well as the sale of stamps and all other customary postal services, by community post office emanating from the Bachelor Post Office” (AR, item 21, at 1.) becomes “Briefly, we would like to provide pickup and delivery of your mail, as well as the sale of stamps and all other customary postal services, by the Bachelor post office emanating from the Bachelor Post Office.” In the second place, surely at least one of the postal officials who reviewed the documents in the Administrative Record knows the meaning of the term “Community Post Office.”

*Rural Carrier Cost.* In addition to offering service to Innis via Community Post Office, the Administrative Record also contains several references to service by rural carrier. However, the Administrative Record shows no additional cost for rural delivery. AR, item 33 at 7. The September 19 Memo to File states, “Because there is an established rural route servicing the Innis community, no additional costs would be added to those routes upon implementation of the Final Determination.” This statement ignores the formula for determining a rural carrier’s compensation. Part of a rural carrier’s pay depends on the number of boxes served.<sup>7</sup> Thus, if a rural carrier serves additional boxes in Innis, his/her pay should increase. This is a cost of replacement service from closing the Innis post office.

*Conclusion.* The Commission should remand the determination to close the Innis, LA, post office so that contradictions in the Administrative Record can be resolved.

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<sup>7</sup> Summary Description of USPS Development of Costs by Segments and Components, Fiscal Year 2010, at 10-2, posted on the Commission’s website July 1, 2011.

Respectfully submitted,

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